

ORDINANCE NO. BL2019-1612

An ordinance amending Section 4.12.160 of the Metropolitan Code of Laws regarding contracts for supplies and services in excess of sixty months.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 4.12.160 of the Metropolitan Code of Laws is hereby amended by deleting the Section in its entirety and substituting in lieu thereof the following:

4.12.160 - Multi-year contracts.

- A. Specified Period. Unless otherwise provided by law, a contract for supplies or services may be entered into for any period of time deemed to be in the best interest of the metropolitan government provided the term of the contract and any renewals or extensions do not exceed sixty months. The term of the contract and conditions of renewal or extension, if any, must be included in the solicitation and funds must be available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor.
- B. Contracts for supplies or services entered into by the metropolitan government with terms exceeding a period of sixty months, either initially or by virtue of amendments, renewals or extensions thereof, must be authorized by the metropolitan council. Legislation seeking such authorization for service contracts must provide the following:
 - i) the beginning date of the contract as originally executed, the termination date of the contract as originally executed, and the revised termination date of the contract resulting from proposed amendments, extensions, or renewals thereof;
 - ii) whether the contract provides services previously provided by a department of the metropolitan government;
 - iii) the number of full time equivalent positions required to provide the services by the private contractor;
 - iv) a statement setting forth whether the services provided pursuant to the contract can be provided by a department of the metropolitan government and, if not, why not; and
 - v) a statement setting forth with specificity why it is in the best interests of the metropolitan government to execute, renew, and/or extend the contract.
- ~~B.~~ C. Use. The standards board may, by regulation, establish additional conditions for use of multi-year contracts, set maximum terms for contracts for types of supplies, services, or construction items, and prescribe specific contract provisions including, but not limited to, cancellation by the metropolitan government at any time with reasonable notice.
- ~~C.~~ D. Cancellation Due to Unavailability of Funds in Succeeding Fiscal Periods. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled.

Section 2. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Fabian Bedne

Angie Henderson
Member of Council